

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nebot, et al.

Application No.: 10/573,104

Confirmation No.: 8922

Filed: March 23, 2006

Art Unit: 2617

For: Virtual Network System

Examiner: Charles T. Shedrick

RESPONSE TO NON-COMPLIANT APPEAL BRIEF (37 C.F.R. §41.37)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Non-Compliant Appeal Brief dated October 13, 2009, the Office noted that the Appeal Brief submitted on September 17, 2009 fails to properly identify the status of all claims filed in the application (Section III: Status of Claims), and further, fails to refer to the instant specification by page and line number in summarizing the claimed subject matter (Section V: Summary of Claimed Subject Matter). By way of this submission, a new Status of Claims section, which provides a statement of the status of all claims, along with a new Summary of Claimed Subject Matter section, which refers to the instant specification by page and line number, are submitted for consideration by the Office.

Dated: October 27, 2009

Respectfully submitted,

By 
Robin S. Miller

Registration No.: 60,043
MILLER, MATTHIAS & HULL
One North Franklin Street
Suite 2350
Chicago, Illinois 60606
(312) 235-4763
Agent for Appellant

III. STATUS OF CLAIMS

Currently, claims 1-12 are canceled and claims 13-22 are pending. Pending claims 13-22 stand rejected as being anticipated by or obvious in view of the cited prior art. More specifically, claims 13-18 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. WO 02/25968 ("Troemel"), and claims 19, 20 and 22 are rejected under 35 U.S.C. §103(a) as being obvious over Troemel in view of U.S. Patent No. 5,375,059 ("Kyrtsos"). The aforementioned rejections asserted against claims 13-22 are hereby appealed. The currently pending claims are reproduced in the Claims Appendix to this Brief.

IV. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter is related to an improved virtual computer wireless network which easily adapts to changing environments and overcomes deficiencies associated with wireless networks commonly known in the art. See page 1, lines 6-22 of the instant specification of the present application.

Among the wireless computer networks currently available, the only dynamic computer network suitable for constantly changing environments is a temporary ad-hoc network. An ad-hoc network configuration typically includes a plurality of computers that are virtually interconnected within the range of the particular ad-hoc network. However, in order to communicate with another ad-hoc network, or any other network outside the range of the ad-hoc network, each ad-hoc network requires at least one fixed station with a hard wired backbone. While these fixed stations may provide communication between ad-hoc networks spread over substantial distances, the static nature of the hard wired stations presents several limitations when used in dynamic or constantly changing environments. For instance, the relationships between individual networks in a mining environment are spread over substantial distances and constantly changing due to the ongoing development of the mining operation. It is simply impractical and inconvenient to provide a hard wired fixed station for each and every dynamic ad-hoc network, as disclosed in page 1, lines 6-22 of the present application.

The present application overcomes these deficiencies by providing a virtual wireless computer network that allows communication between several networks spread over substantial distances and easily adapts to the constantly changing nature of dynamic environments, such as mining environments. Moreover, the present application provides, among other things, a plurality of stations having at least one mobile station capable of

traveling between different regions or networks by way of a common path, road, or the like.

While traveling between the different regions or networks, the mobile station is able to relay information between two or more stations situated in regions that may otherwise be out of communication range. In such a way, individual regions do not require hard wired or fixed stations to communicate over substantial distances of the virtual wireless computer network, and further, are easily adaptable to any changes in the relationships between regions. Support for the same is found throughout the specification, and more particularly, in page 3, line 9 – page 4, line 11 of the present application corresponding to Figs. 2 and 3 of the drawings.

Accordingly, independent claim 13 of the present application specifies a virtual wireless computer network which includes a plurality of stations that are arranged to interface with one another by wireless communication in two or more regions, or networks, and within each region, wherein at least one of the regions is beyond normal wireless communication range of the other regions. At least one of the stations is a mobile station that is capable of traveling between the regions. As specified in the pending claims, the mobile station is adapted to receive and/or transmit information by wireless communication in one region when in that region, and receive and/or transmit information to other regions when in those regions. Support for the same is found, for instance, in page 3, line 9 – page 4, line 11 of the present application corresponding to Figs. 2 and 3 of the drawings.